

June 11, 2014

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary 445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

Re: Compliance Plan of Prepaid Wireless, LLC; WC Docket  
No. 09-197 and WC Docket No. 11-42

Dear Ms. Veach:

Prepaid Wireless Retail, LLC (Prepaid Wireless Retail, LLC does business as Odin Mobile, and will be referred herein as Odin Mobile) seeks to participate in the Lifeline program in order to bring more affordable mobile services to individuals who are blind or visually impaired.

Odin Mobile filed its compliance plan on December 10, 2012, and has met with the Staff of the Telecommunications Access Policy Division on two occasions. In its last meeting, Odin Mobile was informed that its compliance plan would be revisited after it had greater operational experience. Odin Mobile now has that experience.

## **I. Background**

Odin Mobile is a unique company. It is the first wireless provider in the world to focus exclusively on providing service and phones to people who are blind and visually impaired. Historically, the blind community has been underserved. Odin Mobile intends to change that.

Odin Mobile offers a number of devices, including both basic devices and smart phones. We have searched for these devices all over the world, and believe that they are some of the very best available.

As discussed in further detail below, Odin Mobile is creating awareness for its phones and service by working with great non-profit organizations such as the Nation Federation of the Blind, American Council of the Blind, Lighthouse Guild International, The Chicago Lighthouse, Perkins School for the Blind, and others. Odin Mobile has also worked with state agencies, such as the Massachusetts Commission for the Blind and the Colorado Department of Human Services. These agencies, and others, show clients our cell phones and have referred clients to Odin Mobile. Odin Mobile is also the first company to introduce an accessible basic mobile

phone into state equipment distribution programs. Both the Maryland Department of Information Technology and the Texas Department of Assistive and Rehabilitation Services include an Odin Mobile phone in their programs. The California Deaf and Disabled Telecommunications Program is currently evaluating one of our devices.

While Odin Mobile has started to fill a significant gap in the marketplace, cost remains a significant barrier to many people who are blind. Allowing Odin Mobile to participate in the Lifeline program will achieve two important Commission objectives: it will allow people who are blind, and who are low income, to take advantage of basic telecommunications services; it will also promote the use and availability of accessible technology to a significant disability community.

#### **A. Odin Mobile Feature Phones**

The majority of people who are blind are seniors. According to the Massachusetts Commission for the Blind, more than half of people who are legally blind are 75 years of age or older. Many of these seniors want a basic mobile phone that is accessible. Unfortunately, as the Commission explained in its Biennial Report to Congress, “feature phones continue to offer only limited accessibility for consumers who are blind or visually impaired. The record indicates that consumers who are blind or visually impaired have consistently and persistently expressed frustration with the overall inaccessibility of telecommunications equipment that has grown increasingly complex over time.”<sup>1</sup> In addition, many low income individuals who are blind cannot afford the expensive data plans that must be purchased with a smart phone. To address these challenges, Odin Mobile offers two feature phones.

Odin Mobile’s primary feature phone is the ODIN VI. Odin Mobile introduced this phone to the United States in December 2013. It has large buttons and is one hundred percent accessible to someone without any sight whatsoever. Every function that a sighted person can perform with the ODIN VI can be performed by someone who is blind or visually impaired. For example, it allows an individual who is blind to enter and access contacts, text message, access a call log and set alarms. The phone speaks English, Spanish and other European languages.

Because the ODIN VI does not require data, consumers can purchase affordable talk and text plans for between ten dollars and forty dollars for 30 days of service. Odin Mobile’s fifteen dollar plan (350 minutes and unlimited texting) is its most popular. The retail price for the ODIN VI is \$150.00.

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<sup>1</sup> *In the Matter of Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, Biennial Report to Congress as Required by the Twenty-First Century Communications and Video Accessibility Act of 2010, 27 FCC Rcd 12204, ¶ 39 (2012).

The reaction to the ODIN VI has been enthusiastic. As an example, an employee with the Division of Vocational Rehabilitation at the Colorado Department of Human Resources, commented that,

Our early thoughts are that the Odin fills the niche for people who just need a phone to be a phone, as well as for those who have memory issues and mastering the iDevice technology creates a huge obstacle. It is pretty easy to learn and the user can, at least, make a phone call right away. No fancy gestures to learn. Just dial the number and hit send. Since the previous accessible phone went away (I have forgotten the name of it), we haven't found another phone on the market that provides this level of accessibility and simplicity.

Similarly, an employee with the Oregon Commission for the Blind wrote,

I just spent some time familiarizing myself w/ the phone. What a great product! Once a person knows what is on each of the number keys (so they can text) and gets to know the sequence and location of various attributes, this phone performs wonderfully well. I am particularly impressed w/ the different languages available, the clarity of the voice, and how the rubberized external coating allows for better grip and control during use.

Recently, the Texas Specialized Telecommunications Assistance Program, which provides financial assistance to Texans with disabilities that interfere with access to the telephone network, included the ODIN VI in its program. As a result, qualifying residents of Texas can now receive the ODIN VI for free.<sup>2</sup> The Center for Visual Rehabilitation at the University of Texas Department of Ophthalmology shows the ODIN VI to patients who they believe would benefit from the phone,<sup>3</sup> as will a number of other organizations.

Other state agencies that have demonstrated interest in the ODIN VI include the Massachusetts Commission for the Blind and the New Mexico Commission for the Blind, which purchased phones to demonstrate to clients. The Colorado Department of Human Services has

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<sup>2</sup> An important impediment to the success of state equipment distribution programs is the cost of the service. While the devices are provided to qualifying persons who are disabled for free, or at a discounted rate, the consumer is responsible for the service charges. In some cases, the consumer cannot afford the service and stops using the equipment, undermining the purpose of the State program and wasting the State's investment in the device. If Odin Mobile provided accessible equipment to these state programs, as well as offer Lifeline service, the overall effectiveness of the State programs would improve.

<sup>3</sup> The Wilmer Eye Institute, a world renowned eye institute at the Johns Hopkins Hospital, is also showing the ODIN VI to patients.



referred a number of their blind clients to Odin Mobile and has even purchased the ODIN VI on behalf of a deaf/blind client pursuant to the National Deaf-Blind Equipment Distribution Program.

A growing number of non-profit organizations dedicated to providing services to people who are blind or visually impaired are distributing our cell phones. Thus far, the Lighthouse International in New York City, the Chicago Lighthouse and the Perkins School for the Blind in Massachusetts are selling the ODIN VI. Moreover, we are in the process of establishing a relationship with the Lighthouse International pursuant to which they refer clients to Odin Mobile and we educate those clients regarding their options for mobile communications. We hope to establish similar relationships with other non-profit organizations that provide rehabilitation services to people who are blind.

Odin Mobile also sells the Emporia Essence. This feature phone, which was customized by the manufacturer for Odin Mobile, has a number of accessibility features and is designed primarily for people who have low vision, or who are blind but just want to make calls. The phone speaks the numbers you press, the time and the battery level. It also says “delete” when a number is deleted and speaks “home” whenever the user reaches the home screen. The buttons are large and the device has a high contrast screen with very large font size. The retail price is \$69.00.

It is noteworthy that both the National Federation of the Blind and the American Council for the Blind have invited Odin Mobile to speak at their national conventions. Odin Mobile has also presented in front of state agencies dedicated to providing services to people who are blind.

## **B. Odin Mobile Smart Phones**

While the Lifeline program does not currently support data service, Odin Mobile wishes to take this opportunity to inform the Commission of the important work it is doing in this area.

Odin Mobile is making android more accessible to individuals who are blind. By way of background, iOS has historically been more accessible, and substantially more popular, than android with the blind community. As a result, people who are blind have largely been deprived of the additional choice that android brings the public.

To provide the benefits of android to the blind community, Odin Mobile sells the Nexus 5 from Google. The Nexus 5 has the latest android operating system and the latest in android accessibility. People who purchase a Nexus 5 from Odin Mobile have the option of receiving one-on-one tutorials on how to use android accessibility from our expert trainer, who is also blind. Customers can also call that expert for a period of one month after they purchase the device and receive a wide variety support. Our website also includes a number of podcasts that can be accessed by anyone, and that teach people who are blind how to use android accessibility.

Each Nexus 5 includes a unique widget on the home screen. The widget was developed by IDEAL Group, one of the largest developers of android applications for the disabled in the world. It features eight applications that may be of particular interest to blind users. As the user moves their finger over the application of interest, the device describes the application. If the user wants to download the application, they double tap the screen and the Nexus 5 helps the user install the application.

Pursuant to Odin Mobile's request, the Texas Specialized Telecommunications Assistance Program has included the Nexus 5 on its approved equipment list. Consequently, qualifying purchasers of the device receive a subsidy in the amount of \$250.00.

Odin Mobile is in the process of considering additional ways in which it can provide value to its customers who are interested in android. For example, we are investigating the possibility of offering our customers an application that will help them practice the skills they learn in their tutorials. We are also working with an application developer to develop an application that will allow the user to perform basic functions using voice only. For example, the user will be able to add contacts and access their call log exclusively with their voice.

## **II. Designating Odin Mobile an ETC is in the Public Interest**

No other wireless provider, let alone eligible telecommunications carrier, is providing services comparable to Odin Mobile. Odin Mobile is providing blind and visually impaired persons with the opportunity to take better advantage of both basic, as well as advanced mobile communications. However, as demonstrated below, cost is a significant impediment, and the blind community would benefit tremendously from the opportunity to take advantage of the Lifeline service.

### **A. Blind Americans Face Significant Financial Challenges**

Blind Americans would benefit substantially from Lifeline service. According to the September 2010 Current Population Survey of the Bureau of Labor Statistics, of the approximately two million working age adults (16 to 64 years of age) who reported blindness or serious difficulty seeing, approximately 1.2 million, or 56 percent, were identified as "not in the labor force." Of those who were in the labor force, 13.1 percent were unemployed. Thus, fewer than 40 percent of working age adults who self-identified as blind, or as having significant difficulty seeing, are employed.<sup>4</sup>

Low employment translates into lower household income. The median household income for persons aged 21 to 64 with a visual disability in 2011 was just \$33,200. For the

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<sup>4</sup> See, American Foundation for the Blind, <http://www.afb.org/info/blindness-statistics/interpreting-bls-employment-data/24>.

country as a whole it was \$50,502. And the poverty rate among those who are visually impaired was 31 percent, while more broadly it was 15 percent.<sup>5</sup>

## **B. Individuals Who are Blind Cannot Currently Take Advantage of Wireless Lifeline**

While Lifeline service does not include the phone, a phone is needed in order to take advantage of the program. Without an accessible basic mobile phone, an individual who is blind cannot take full advantage of basic telecommunications service. Currently, Odin Mobile is not aware of any accessible basic mobile phones offered by an eligible telecommunications carrier (“ETC”). Cell phones provided by ETCs are typically “candy bar” phones, with very small buttons and no text-to-speech capability. As a result, a significant community within the United States – a community that would benefit tremendously from Lifeline – cannot take full advantage of the program.

Imagine the frustration, disappointment and complaints that would be generated if ETCs provided sighted people cell phones that did not have a contact list, did not have a call log to facilitate access to missed calls, did not support text messaging, did not have caller ID, did not provide the time or date, did not allow the customer to set an alarm, and did not provide the signal or battery strength. This is precisely the position in which millions of blind and visually impaired Americans find themselves. Most of these functionalities are universal today and have come to be expected with basic voice telephony. Indeed, some of these functionalities, such as the ability to create and access a contact list, are essential to allowing a customer to take advantage of basic mobile voice telephony. Yet no ETC offers a phone that provides these capabilities to people who are blind.

In theory, a person who is blind could purchase an unlocked smart phone that is accessible and subscribe to Lifeline service. In reality, however, unlocked smart phones that are accessible<sup>6</sup> are very expensive, making this option impractical to a person who is low income.

A survey performed on members of the Blinded Veterans Association by the Virginia Tech Center for Survey Research (the “BVA Survey”), on behalf of Odin Mobile, confirms that people who are blind have limited ability to participate in wireless Lifeline. Seventeen people in the survey confirmed that they were eligible for Lifeline, but only one participated in the program, confirming that people who are blind do not benefit from the program to the extent of the general population. Approving Odin Mobile’s compliance plan would rectify this unfortunate situation.

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<sup>5</sup> See, National Federation for the Blind, <https://nfb.org/blindness-statistics>.

<sup>6</sup> Not all smart phones are accessible.



### **C. Designating Odin Mobile an ETC Would Increase Cell Phone Adoption Among Blind and Visually Impaired Americans**

Many seniors who are blind do not use mobile devices. Of the 162 persons contacted in the BVA Survey, sixty eight, or forty two percent, said that they did not use a cell phone at all. While cell phone adoption rates are lower among seniors in general, this factor does not explain the entirety of the result. Many blind Americans do not use cell phones because of cost and poor accessibility.

Designating Odin Mobile an ETC would help address both of these obstacles, resulting in a very positive impact on the number of blind and visually impaired Americans, especially seniors, who use cell phones.

### **D. Congress and the Commission Attach Substantial Public Interest Benefits to Improving Accessibility**

Accessibility is a Congressional priority. Section 1 of the Communications Act provides that the purpose of the Act is to make available wire and radio communication services “to *all* the people of the United States.”<sup>7</sup> (emphasis added). Section 255 of the Act provides that both manufacturers and service providers “shall” ensure that equipment and service should be accessible, if accessibility is readily achievable.<sup>8</sup> And the purpose of the CVAA is to “update the communications laws to help ensure that individuals with disabilities are able to fully utilize communications services and equipment and better access video programming.”<sup>9</sup> Indeed, the Commission observed that “Congress has expressed a general legislative preference for the increased accessibility of certain Communications services for persons with disabilities.”<sup>10</sup>

The unambiguous Congressional commitment to accessibility is shared by Chairman Wheeler. In the Chairman’s first policy address at Ohio State University he stated that “universal access *requires* that we go the extra mile to ensure persons with disabilities can get online and the benefits of these incredible new networks can be harnessed to address the challenges of Americans with disabilities.”<sup>11</sup> And on December 12, 2013, the Commission announced that Chairman Wheeler and the National Institute of Aging (the “NIA”) signed an agreement pursuant to which the Commission and NIA “will collaborate to develop and support

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<sup>7</sup> 47 U.S.C. § 151

<sup>8</sup> 47 U.S.C. § 255(b)

<sup>9</sup> S. Rep. No. 111-386 at 1 (2010) (Senate Report); H.R. Rep. No. 111-563 at 19 (2010) (House Report).

<sup>10</sup> *Implementation of Video Description of Video Programming*, Notice of Proposed Rulemaking, 14 FCC Rcd 19845, ¶ 36 (1999).

<sup>11</sup> *Prepared Remarks of FCC Chairman Tom Wheeler The Ohio State university Columbus, Ohio*, 2013 FCC LEXIS 4679 (2013).

research for assessing Internet Protocol (IP) technologies that can benefit older adults with hearing disabilities or deafness.”<sup>12</sup>

The inability of blind and visually impaired Americans to take full advantage of the Lifeline program is inconsistent with both Congressional and Commission commitment to disabled Americans.

### **III. Failure to Make the Lifeline Program Accessible to Blind and Visually Impaired Americans Violates Section 504 of the Rehabilitation Act**

Section 504 of the Rehabilitation Act provides that “[n]o otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.”<sup>13</sup> Blind and visually impaired Americans are effectively “excluded from participation in” and “denied the benefits of” the Lifeline program.

The United States Supreme Court explained that Section 504 “requires that an otherwise qualified handicapped individual must be provided with *meaningful* access to the benefit” of the program.<sup>14</sup> Further, the Second Circuit explained that “the central purpose” of Section 504 “is to assure that disabled individuals receive ‘evenhanded treatment’ in relation to able-bodied.”<sup>15</sup>

First and foremost, in order for blind persons to have meaningful access to Lifeline, they require an accessible basic mobile phone. And requiring low-income blind persons to purchase an accessible (and expensive) unlocked smart phone<sup>16</sup> to take advantage of the program is certainly not evenhanded.

While the Lifeline program is intended to assist low income Americans, it fails to assist a significant disability group, despite the fact that the Rehabilitation Act declares that “individuals with disabilities constitute one of the most disadvantaged groups in society.”<sup>17</sup> Interestingly, prior to 1997 a number of state Lifeline programs limited Lifeline support to low income persons who were *also* seniors and/or disabled.<sup>18</sup> By prioritizing assistance to disabled persons, these

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<sup>12</sup> *FCC and National Institute On Aging to Partner On Research Advancing Accessibility to Communications for Americans With Hearing Disabilities*, News, 2013 FCC LEXIS 4852 (December 12, 2013).

<sup>13</sup> 29 U.S.C. § 701, et seq.

<sup>14</sup> *Governor of Tennessee v. Choate, et al*, 469 U.S. 287, 301 (1985) (emphasis added).

<sup>15</sup> *John Doe v. Paul Pfrommer*, 148 F.3d 73, 83 (2<sup>nd</sup> Cir. 1998).

<sup>16</sup> Some, but not all, smart phones are accessible.

<sup>17</sup> 29 U.S.C. § 701(a)(2).

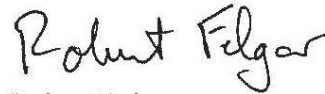
<sup>18</sup> *Federal-State Joint Board on Universal Service*, Report and Order, 12 FCC Rcd 8776,8973 (1997) (“Currently, some states only make Lifeline assistance available to low-income individuals who, for example, are elderly or have disabilities”).



States clearly agreed that the disabled are “one of the most disadvantaged groups.” Ironically, however, the Commission, a federal agency to whom the Rehabilitation Act applies, has failed to take this Congressional pronouncement into account.

The Commission can easily make the Lifeline program accessible to blind and visually impaired Americans: approve Odin Mobile’s compliance plan, as well as its petition to be designated an ETC in the federal default states.

Regards,

A handwritten signature in black ink that reads "Robert Felgar". The signature is written in a cursive, slightly slanted style.

Robert Felgar  
General Manager

cc: Julie Veach (by email)  
Vickie Robinson (by email)  
Radhika Karmarkar (by email)  
Trent Harkrader (by email)  
Michelle Schafer (by email)  
Gregory Hlibok (by email)  
Ruth Milkman (by email)